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**IN THE SUPREME COURT
STATE OF ARIZONA**

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| IN THE MATTER OF |) | Supreme Court No. R-12-0020 |
| |) | |
| PETITION TO ADD RULE 38(j), |) | Comment on Petition to Add |
| REGARDING ADMISSION TO |) | Rule 38(j), Ariz. R. Sup. Ct., |
| THE STATE BAR OF ARIZONA |) | Regarding Admission |
| |) | |

Pursuant to Rule 28(D), Rules of the Supreme Court, the undersigned respectfully submits this Comment for the Court's Consideration.

I am a member of the State Bar of Arizona and spouse of a retired military service member. I support the Rule Change Petition adding Rule 38(j) regarding admission to the State Bar of Arizona for qualified military spouse attorneys.

My legal career is not atypical for a military spouse. In 1993, I graduated from an ABA accredited law school in North Carolina, where my husband was stationed at Ft. Bragg. Immediately after graduation and before taking the bar examination, my husband received change of station orders to Walter Reed Army Medical Center. While my husband moved to Washington, D.C., I stayed in North Carolina, with our two young children, took the North Carolina bar examination and began practicing law. Eighteen months later, my husband received orders to Fitzsimmons Army Medical Center in Colorado. Sixteen months after moving to Colorado, he received orders to Ft. Leavenworth, Kansas and we moved again.

Due to my husband's active duty military assignments, I took and passed the

North Carolina bar in 1993, the Colorado bar in 1995 and the Missouri bar in 1996. I spent more time applying, taking and passing state bars than I did practicing law. Due in part to the difficulty we experienced in trying to support my career; my husband took an early retirement from the Army in 1998 and accepted a position working for the State of Arizona. I took the Arizona bar in 1998. We have settled in Arizona where I have practiced law for the past 13 years.

My father and husband were career officers in the Army and I am thankful that I was given the opportunity to support their public service among the silent ranks, first as a military child and then as a military spouse. However, as a practicing attorney, I quickly learned that state bar admission rules place military spouse attorneys at a material disadvantage despite our important role on the home front. In my case, I never knew how long we would stay in a location before getting orders to move, so I went through the process of studying state law, applying and being admitted over and over. Admission on motion was always just out of reach for me as a military spouse due to our frequent moves.

Not willing to accept the status quo, I fully support the Military Spouse JD Network, sponsor of the Arizona Rule Change Petition. I am pleased to see the comment submitted by the State Bar of Arizona in support of the petition. There are two issues in the amended rule suggested by the State Bar of Arizona that do not adequately address the military lifestyle.

First, the proposed amended rule should allow the military spouse to remain in the State of Arizona and still qualify for bar membership if the service member is assigned to an unaccompanied or remote follow-on assignment. The Department of Defense does

not authorized dependents to travel with the service members for unaccompanied or remote assignments. Suggestion is to adopt the following language in place of paragraph 7(iv):

“iv. Permanent relocation outside the state of Arizona unless the follow-on assignment is an unaccompanied tour where dependents are not authorized by the Department of Defense; or”

Second, the proposed amended rule presents a requirement that the spouse should be listed on the service member’s orders. The Department of Defense does not list the spouse on all orders for all branches of service. Suggestion is to adopt the following language in place of paragraph 7(v).

“v. The Provisional Attorney ceasing to be a dependent as defined by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security).”

It is too late for me, but this Rule Change would be of great benefit to current and future generations of military spouse attorneys. The Rule Change is a small step towards addressing the great disadvantage military spouse attorneys face when trying to continue their legal career while supporting their spouse’s service to our country.

By:



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